

Statewide Assessment Home and Community Based Settings Governing Regulations

Section of the Rule	Type of Setting	Issue	Oppose /Silent/ Positive	# of sites	Remedial Strategy	Lead Agency	Target Date	Ongoing Monitoring
(a) The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint	All	<p>The <u>General Provisions</u> regulations already required that:</p> <p>Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the right to the following:</p> <ul style="list-style-type: none"> • Be treated with courtesy, dignity, and respect; • Be free from mental and physical abuse, neglect, and exploitation from staff providing services; • Be assured that for purposes of record confidentiality, the disclosure of the contents of his or her personal records is subject to all the provisions of applicable District and federal laws and rules; • Voice a complaint regarding treatment or care, lack of respect for personal property by staff providing services without fear of retaliation; • Be informed orally and in writing of the following: complaint and referral procedures; the telephone number of the DDS customer complaint line. 	Positive / Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home and Residential Habilitation, Day Habilitation, and Employment Readiness settings must ensure a person's right to privacy, dignity, and respect, and freedom from coercion and restraint.</p> <p>Each waiver provider shall ensure the person's privacy including securing service records for each person in a locked room or file cabinet and limiting access only to authorized individuals; and shall not post mealtime protocols, clinical therapy schedules, or any health information</p> <p>Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the right to be informed orally and in writing of the following: complaint and referral procedures, including how to file an anonymous complaint; how to report an allegation of abuse, neglect and exploitation; and for people receiving residential supports, the person's rights as a tenant, and information about how to relocate and request new housing.</p> <p>All Day Habilitation and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to privacy for personal care, including when using the bathroom.</p>	DDS & DHCF	Completed	Service Coordination monitoring, and provider certification review.

<p>b. The setting optimizes individual initiative, autonomy, and independence in making life choices</p>	<p>All</p>	<p>Regulations did not specifically require this.</p>	<p>Silent</p>	<p>All</p>	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home and Residential Habilitation, Day Habilitation, and Employment Readiness settings must:</p> <ul style="list-style-type: none"> • optimize the person’s initiative autonomy and independence in making life choices including but not limited to, daily activities, physical environment, and with whom to interact. • support the person’s community integration and inclusion, including relationship-building and maintenance, support for self-determination and self-advocacy; • provide information on individual rights; <p>Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the right to direct the person-centered planning of his or her supports and services.</p> <p>Updated the <u>Day Habilitation</u> regulations as follows:</p> <p>Revised the description of Day Habilitation services in the regulations as follows: Day habilitation services are aimed at developing meaningful adult activities and skills acquisition to . . . foster independence, self-determination and self-advocacy and autonomy.</p> <p>Specified that Day Habilitation services shall consist of the following activities based on what’s important to and for the person as documented in his or her Individualized Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools: Training and skills development that increase participation in community activities, enhance community inclusion, and foster greater independence, self-determination and self-advocacy. . .</p> <p>Updated the <u>Employment Readiness</u> regulations as follows:</p> <p>Revised the description of Employment Readiness</p>	<p>DDS & DHCF</p>	<p>Completed</p>	<p>Service coordination monitoring, and provider certification review.</p>
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c. The setting facilitates individual choice regarding services and supports, and who provides them	All	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must: facilitate the person’s choices regarding services and supports, and who provides them; and create individualized daily schedules for each person receiving supports, that includes activities that align with the person’s goals, interests and preferences, as reflected in his or her ISP.</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.
d. The setting provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.	All	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must provide and opportunities for the person to seek employment and meaningful non-work activities in the community; provide opportunities for the person to engage in community life.</p> <p>All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation must develop and adhere to policies and procedures which ensure that each person receiving services has the right to control over his or her personal funds and bank accounts.</p>	DDS & DHCF	<p>Completed except for the right to control personal resources in day/voc settings.</p> <p>DC plans to publish updated <u>General Provisions & Day Habilitation</u> regulations by July 2016.</p>	Service coordination monitoring, and provider certification review.

				<p>Modified requirements for the Individual Support plan to specifically including identifying the person's interest in employment, identifying goals for community integration and inclusion, and determining the most integrated setting available to meet the person's needs.</p> <p>Updated the <u>Day Habilitation</u> regulations as follows:</p> <p>Updated the description of Day Habilitation services in the regulations as follows: Day habilitation services are aimed at developing meaningful adult activities and skills acquisition to . . . facilitate the exploration of employment and/ or integrated retirement opportunities; and to foster and encourage people on their pathway to community integration, employment and the development of a full life in the person's community.</p> <p>Specified that Day Habilitation services shall consist of the following activities based on what's important to and for the person as documented in his or her Individualized Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools: Training and skills development that increase participation in community activities, enhance community inclusion, and foster greater independence, self-determination and self-advocacy. . .</p> <p>Require providers to develop a Discovery Positive Personal Profile (PPP) and Job Search and Community Participation Plan within 30 days of the initiation of services and shall be updated at least annually.</p> <p>Updated regulations to require: To receive Medicaid reimbursement, day habilitation services shall be provided in the community or in a facility-based setting that provides opportunities for community engagement, inclusion and integration.</p> <p>Updated <u>Employment Readiness</u> regulations as follows: To specify that employment readiness services shall support a person on their pathway to competitive,</p>			
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				<p>integrated employment.</p> <p>Revised the description of Employment Readiness services in the regulations to include social and soft skills training, including, but not limited to budgeting and money management.</p> <p>Require that Employment Readiness services include employment exploration and/ or preparation in the community.</p> <p>Require the development of a Positive Personal Profile and Job Search and Community Participate Plan shall be developed within 30 days of the start of services.</p> <p>Required that to receive Medicaid reimbursement, employment readiness services shall be provided in the community or in a facility-based setting that provides opportunities for community engagement, inclusion and integration.</p> <p>Updated <u>Residential Habilitation</u> regulations to: Require the use the Department on Disabilities Services approved person-centered thinking tools and the person's Positive Personal Profile and Job Search and Community Participation Plan to develop a functional assessment that includes what is important to and for the person, within the first month of the person residing in the home. This assessment shall be reviewed and revised annually or more frequently as needed.</p> <p>Added that in order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall ensure that each person receives hands-on support, skill development, habilitation, and other supports, which shall include, but not be limited to, the following categories of support, unless the person has demonstrated independence and capacity in any of the following areas. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance. . . . Opportunities for the person to seek employment and vocational supports to work in the community in a competitive and integrated setting.</p>			
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					<p>Updated <u>Supported Living</u> regulations as follows:</p> <p>Revised service description to include support for a person to integrate in to the community.</p> <p>Added that each provider of Medicaid reimbursable supported living services shall ensure that each person receives the level of support he/she needs for skill development, habilitation and other supports, when appropriate, which shall include, but not be limited to, support for the following categories, unless the person has demonstrated independence and capacity in any of the following areas. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance: Opportunity to engage in community life, including but not limited to social, recreational, and religious activities utilizing community resources based on the person’s interests, beliefs, culture, and preferences, and building and maintaining relationships; and Opportunities for the person to seek employment and vocational supports to work in the community in a competitive and integrated setting.</p> <p><i>Still need to update the regulations to require control of personal resources in Day Habilitation and Employment Readiness services.</i></p>			
e. The setting is integrated and supports access to the greater community	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation must: be integrated in the community and support access to the greater community; and allow full access to the greater community.</p> <p>Updated <u>Day Habilitation</u> regulations to require: To receive Medicaid reimbursement, day habilitation services shall be provided in the community or in a facility-based setting that provides opportunities for community engagement, inclusion and integration.</p> <p>Updated <u>Employment Readiness</u> regulations to require: To receive Medicaid reimbursement, employment readiness services shall be provided in the community or in a facility-based setting that</p>	DDS & DHCF	<p>Completed for residential settings.</p> <p>DC does not yet have a target date to update the regulations for day settings and is discussing this during the public comment period, except to assure that it will be completed within the transition period.</p> <p>DC will provide</p>	Service coordination monitoring, and provider certification review.

					<p>provides opportunities for community engagement, inclusion and integration.</p> <p>Updated <u>Supported Living</u> regulations service description as follows: Supported living services are provided to persons enrolled in the Waiver. . . and who require assistance with the development of social and adaptive skills that are necessary to enable the person to reside in the community and successfully participate in community activities based upon what is important to and for the person as documented in his or her Individualized Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools.</p> <p><i>Still need to update the regulations to require integration for Day Habilitation and Employment Readiness Services.</i></p>		an update when it files an Updated Statewide Transition Plan.	
f. The setting provides opportunities to engage in community life	All	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must provide opportunities for the person to engage in community life.</p> <p>Updated the <u>Day Habilitation</u> regulations as follows:</p> <p>Revised the description of Day Habilitation services in the regulations as follows: Day habilitation services are aimed at developing meaningful adult activities and skills acquisition to . . . foster and encourage people on their pathway to community integration, employment and the development of a full life in the person’s community.</p> <p>Specified that Day Habilitation services shall consist of the following activities based on what’s important to and for the person as documented in his or her Individualized Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools: Activities that provide opportunities for socialization and leisure activities in the community, community explorations. These must occur in the community in groups not to exceed four (4) participants for regular</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

				<p>day habilitation or three (3) participants for people in small group day habilitation. The activities, frequency and duration must be based on people's interests and preferences as reflected in their Individualized Support Plan and Person-Centered Thinking and Discovery tools. Except when a person's ISP indicates a lower frequency, each person must be offered the opportunity to engage in community integration and inclusion activities at least once per week.</p> <p>Require that quarterly reports shall include a description of the person's activities, in the community, that support community integration and inclusion.</p> <p>Updated the <u>Employment Readiness</u> regulations as follows: Revised the description of services to include employment exploration and/ or preparation in the community; and community-based, integrated, volunteer experiences that are related to the person's employment goals.</p> <p>Updated the <u>Residential Habilitation</u> regulations: Added that in order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall ensure that each person receives hands-on support, skill development, habilitation, and other supports, which shall include, but not be limited to, the following categories of support, unless the person has demonstrated independence and capacity in any of the following areas. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance. . . . Opportunities to engage in community life, including but not limited to social, recreational, and religious activities utilizing community resources.</p> <p>Updated <u>Supported Living</u> regulations as follows: Added that each provider of Medicaid reimbursable supported living services shall ensure that each person receives the level of support he/she needs for skill</p>			
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					development, habilitation and other supports, when appropriate, which shall include, but not be limited to, support for the following categories, unless the person has demonstrated independence and capacity in any of the following areas. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance: Opportunity to engage in community life, including but not limited to social, recreational, and religious activities utilizing community resources based on the person's interests, beliefs, culture, and preferences, and building and maintaining relationships.			
g. the setting provides opportunities to control personal resources	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	General Provisions regulations did not specifically require this. Residential Habilitation regulations already require support and skill building for budgeting and financial management.	Silent	All	Updated the <u>General Provisions</u> regulations to require the following: All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation must develop and adhere to policies and procedures which ensure that each person receiving services has the right to control over his or her personal funds and bank accounts. Updated the <u>Employment Readiness</u> regulations: Revised the description of Employment Readiness services in the regulations to include social and soft skills training, including, but not limited to budgeting and money management. <i>Still need to update the regulations to require control of personal resources in Day Habilitation and Employment Readiness services.</i>	DDS & DHCF	Completed for residential settings. DC plans to publish updated <u>General Provisions</u> regulations by July 2016 to require this in all day/ vocational settings.	Service coordination monitoring and provider certification review.
h. The setting provides opportunities to receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS	All	Regulations did not specifically require this.	Silent	All	As described within, DC made a number of changes to the <u>General Provisions</u> and specific service regulations to require opportunities to access the community. DC will specifically include this language in forthcoming revisions to the <u>General Provisions</u> .	DDS & DHCF	In progress. DC plans to publish updated <u>General Provisions</u> regulations by July 2016 to more specifically require this in all settings.	Service coordination monitoring, and provider certification review.
i. The setting is selected by the individual from among other options including non-disability	All	Regulations did not specifically require this.	Silent	All	Updated the <u>General Provisions</u> regulations to require the following: All Supported Living, Supported Living with	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

specific settings and a private unit in a residential setting					<p>Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must be chosen by the person from HCBS settings options including non-disability settings.</p> <p>In terms of a private unit, no change is required to the <u>General Provisions</u>. This will be governed by a forthcoming DDS policy and procedure on Contribution to Cost of Supports.</p>			
j. If provider-owned or controlled, the setting provides a specific unit/dwelling that is owned, rented, or occupied under a legally enforceable agreement.	<p>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</p> <p>(N/A to day settings)</p>	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, and Residential Habilitation settings must be leased in the names of the people who are being supported and ensure that each person has a legally enforceable residency agreement or other written agreement that, at minimum, provides the same responsibilities and protections from eviction that tenants have under relevant landlord/tenant law. This applies to leased and provider owned properties.</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.
k. If provider –owned or controlled, the setting provides the same responsibilities/protections from eviction as all tenants under landlord tenant law of state, county, city or other designated entity	<p>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</p> <p>(N/A to day settings)</p>	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, and Residential Habilitation settings must be leased in the names of the people who are being supported and ensure that each person has a legally enforceable residency agreement or other written agreement that, at minimum, provides the same responsibilities and protections from eviction that tenants have under relevant landlord/tenant law. This applies to leased and provider owned properties.</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.
l. if the setting is provider-owned or controlled and the tenant laws do not apply, the state ensures that the lease, residency agreement or other written agreement is in place providing protections to address	<p>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</p>	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, and Residential Habilitation settings must be leased in the names of the people who are being supported and ensure that each person has a legally enforceable residency agreement or other written agreement that, at minimum, provides the same responsibilities and</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.	(N/A to day settings)				protections from eviction that tenants have under relevant landlord/tenant law. This applies to leased and provider owned properties.			
m. If provider-owned or controlled, the setting provides that each individual has privacy in their sleeping or living unit.	All	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, and Residential Habilitation settings must develop and adhere to policies and procedures which ensure that each person receiving services have the right to privacy in his or her personal space, including entrances that are lockable by the person (with staff having keys as needed); and privacy for telephone call, texts and/ or emails; or any other form of electronic communication, <i>e.g.</i>, FaceTime or Skype.</p> <p>All Day Habilitation and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to privacy for personal care, including when using the bathroom.</p> <p><i>Still need to update the regulations to require that Day Habilitation and Employment Readiness providers must develop and adhere to policies which ensure that each person receiving services has the right to the following: (1) a safe and private place to store his or her personal possessions (if locked, with staff having keys as needed); and (2) the opportunity for privacy for telephone calls, texts and/or emails; or any other form of electronic communication, e.g. FaceTime or Skype; unless there is a specific assessed need that is justified in the person's Individualized Support Plan.</i></p>	DDS & DHCF	<p>Completed for residential settings.</p> <p>DC plans to publish updated <u>General Provisions</u> regulations by July 2016 to require privacy for communications in all day/vocational settings.</p> <p>DC does not yet have a target date to update the regulations for a locked place to store personal possessions at day settings and is discussing this during the public comment period, except to assure that it will be completed within the transition period.</p> <p>DC will provide an update when it files an Updated Statewide Transition Plan.</p>	Service coordination monitoring, and provider certification review.

n. If provider-owned or controlled, the setting provides units with lockable entrance doors, with appropriate staff having keys to doors as needed	All	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, and Residential Habilitation settings must develop and adhere to policies and procedures which ensure that each person receiving services have the right to privacy in his or her personal space, including entrances that are lockable by the person (with staff having keys as needed); unless there is a specific assessed need that is justified in the person's Individualized Support Plan.</p> <p>All Day Habilitation and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to privacy for personal care, including when using the bathroom.</p> <p><i>Still need to update the regulations to require that Day Habilitation and Employment Readiness providers must develop and adhere to policies which ensure that each person receiving services has the right to a safe and private place to store his or her personal possessions (if locked, with staff having keys as needed); unless there is a specific assessed need that is justified in the person's Individualized Support Plan..</i></p>	DDS & DHCF	<p>Completed for residential settings.</p> <p>DC plans to publish updated <u>General Provisions</u> regulations by July 2016 to require this in all day/ vocational settings.</p>	Service coordination monitoring, and provider certification review.
o. If provider-owned or controlled, the setting provides individuals who are sharing units a choice of roommates.	<p>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</p> <p>(N/A to day settings)</p>	Regulations did not specifically require this.	Silent	All	<p>No change required to the <u>General Provisions</u>.</p> <p>DDS updated the language in the Master HCA to clarify that: "People may choose any provider of services if new room and board funding is not concurrently requested."</p>	DDS & DHCF	Completed	DDA Residential Referral Committee
p. If provider-owned or controlled, the setting provides individuals with the freedom to furnish and decorate their	Supported Living, Supported Living with Transportation,	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, and Residential</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

sleeping or living units within the lease or other agreement.	Residential Habilitation and Host Homes (N/A to day settings)				Habilitation settings must develop and adhere to policies and procedures which ensure that each person receiving services has the freedom to furnish and decorate his or her personal space.			
q. If provider-owned or controlled, the setting provides individuals with the freedom and support to control their schedules and activities and have access to food at any time.	All	Regulations did not specifically require this.	Silent	All	<p>Updated the <u>General Provisions</u> regulations to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must create individualized daily schedules for each person receiving supports, that includes activities that align with the person's goals, interests and preferences, as reflected in his or her ISP.</p> <p>All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation settings must develop and adhere to policies and procedures which ensure that each person receiving services has the right to access to food at any time, unless there is a specific assessed need that is justified in the person's Individualized Support Plan.</p> <p>All Day Habilitation, Supported Employment, and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to access snacks at any time and meals at the time and place of a person's choosing, unless there is a specific assessed need that is justified in the person's Individualized Support Plan.</p> <p>Updated <u>Day Habilitation</u> regulations as follows: Each provider of Medicaid reimbursable day habilitation services shall develop, with the person, an individualized schedule of daily activities based upon the person's goals and activities as identified in his or her ISP, and consistent with what is in his or her Person-Centered Thinking and Discovery tools, of meaningful adult activities that support the person on his or her pathway to employment and community integration and inclusion.</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

					Updated <u>Employment Readiness</u> regulations to require: Each provider of Medicaid reimbursable employment readiness services shall develop, with the person, an individualized schedule of daily activities based upon the person's goals and activities as identified in his or her ISP, and consistent with what is in his or her Person-Centered Thinking and Discovery tools, of meaningful adult activities that support the person on his or her pathway to integrated, competitive employment.			
r. If provider-owned or controlled, the setting allows individuals to have visitors at any time.	All	Regulations did not specifically require this.	Silent	All	Updated the <u>General Provisions</u> regulations to require the following: All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must allow visitors at any time, unless there is a specific assessed need that is justified in the person's Individualized Support Plan.	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.
s. If provider-owned or controlled, the setting is physically accessible to the individual.	All	Regulations did not specifically require this.	Silent	All	Updated the <u>General Provisions</u> regulations to require the following: All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must be physically accessible to the person and allow the person access to all common areas.	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.